D.B. CIVIL SPECIAL APPEAL(W)NO.658/2006

Ashok Kumar Gangwal
Vs.
State of Rajasthan & Anr.

DATE OF ORDER :: 03-04-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Kailsh Chandra Sharma, for the appellant.

This appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant on the ground that the appellant should seek remedy before the Rajasthan Civil Services Appellate Tribunal and no interference was called for at this stage.

Counsel submitted that writ petition was filed on behalf of the association and inasmuch as an association cannot file appeal before the Civil Services Appellate Tribunal, the learned Single Judge committed error in dismissing the writ petition on that ground. The cause title does not suggest that petition was filed on behalf of the association and we therefore do not find any substance in the plea.

Counsel then submitted that in the similar writ petition being S.B.Civil Writ petition no.1562/2003 filed by one Chandra Prakash Gehlot, a learned Single Judge of

this Court at the Principal Seat at Jodhpur has issued direction to the respondents to grant him the scale of Rs.5000-8000 on completion of 18 years of service.

Without going into merits of the case of the appellant, we would observe that it is open to the appellant to either approach the Tribunal in respect of his claim or file representation in the Department. Therein he may rely on the order of this Court in the case of Chandra Prakash Gehlot.

With the above observation, the appeal is disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen